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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,215	03/31/2004	Takashi Furukawa	SON-2965	3882
23353	7590	04/21/2006	EXAMINER	
RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			FLETCHER, JAMES A	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/813,215	FURUKAWA, TAKASHI
	Examiner James A. Fletcher	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 January 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/20/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claim recites a program including steps to process video data. As disclosed, steps are performed by a processor so as to generate an output image for high-speed playback. As written, a program for performing steps, unless that program is carried on a medium, is not a statutory subject.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is indefinite because it recites both a program and a process of steps for generating an image for high-speed playback. It is unclear to the Examiner whether the claim is for a program or for a method or process.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mishima et al (6,009,236).

**Regarding claims 1 and 8-11**, Mishima et al disclose a reproducing device for playing back video data recorded on an information recording medium (Col 1, lines 14-15 “playing back on a medium such as an optical disc”), comprising:

- setting means for setting a reproduction speed of the video data depending upon a predetermined acceleration (Col 37, line 36 “special playback is performed”);
- readout means for reading out the video data from the information recording medium (Fig. 1, item 208 and Col 1, lines 40-42 “reference numeral 213 denotes a playback amplifier for amplifying a playback signal from the optical head 208”); and
- generation means for combining a plurality of images of the video data so as to generate an output image for high-speed playback (Col 37, lines 44-47 “the P4 picture is played back in the area 1, the P3 picture is played back in the

area 2, the P2 picture is played back in the area 3, and the P1 picture is played back in the area 4 and the I picture in the area 5").

**Regarding claim 2**, Mishima et al disclose a reproducing device wherein the generation means extracts and combines band-shaped parts from the number of images corresponding to the reproduction speed set by the setting means, respectively, so as to generate the output image for the high-speed playback (Col 37, lines 44-47 "the P4 picture is played back in the area 1, the P3 picture is played back in the area 2, the P2 picture is played back in the area 3, and the P1 picture is played back in the area 4 and the I picture in the area 5").

**Regarding claim 3**, Mishima et al disclose a reproducing device wherein first video data at a high bit rate and second video data at a lower bit rate than that of the first video data for a same material are recorded on the information recording medium (Col 29, lines 10-14 "a priority is given as an area located at the central part of the screen out of the I picture data which is divided into three parts so that the area is located at the front of one GOP"); and

the readout means reads out the second video data from the information recording medium (Col 29, lines 14-17 "in the case where only a part of the area of the I picture can be decoded in a definite time at the time of a high speed playback, at least the playback picture at the central part of the screen can be outputted").

**Regarding claim 5**, Mishima et al disclose a reproducing device wherein, at a transition from the high-speed playback using the second video data to low-speed playback using the first video data, an acceleration in accordance with time required to

read out and decode the first video data is calculated so as to perform deceleration at a deceleration corresponding to the calculated acceleration (Col 51, lines 42-43 "normal continuous playback or the like is inputted to the mode switcher 76 from the microcomputer").

**Regarding claim 6**, Mishima et al disclose a reproducing device wherein, at a transition from low-speed playback using the first video data to high-speed playback using the second video data, an acceleration in accordance with time required to read out and decode the second video data is calculated so as to perform acceleration at the calculated acceleration (Col 13, lines 5-10 "At the time of the special playback, only the data of the I picture is read in the unit of area, and regions in the areas 1, 2, - - - n are read one by one from consecutive n I pictures with the result that pictures for one screen portion is synthesized and is outputted as a playback picture").

**Regarding claim 7**, Mishima et al disclose a reproducing device wherein, when acceleration and deceleration are terminated so as to perform normal-speed playback, a screen has a fixed arrangement in accordance with a speed at the time, regardless of a process of the acceleration and deceleration (Fig. 20 illustrates a predetermined screen with high speed playback).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mishima et al as applied to claims above.

**Regarding claim 4,** Mishima suggests discloses different rates of recording standard and trick play streams as analyzed and discussed above, but does not specifically disclose intermittently recording both on the same track of the recording medium.

The Examiner takes official notice that intermittent recording of multiple streams of data, also known as time-division multiplexing, is notoriously well known, commercially available and widely used, allowing a programmer to place several different signals in the same data path.

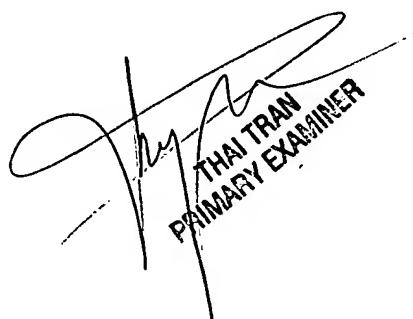
Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mishima in order to provide for intermittent recording of the various streams.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
23 March 2006



THAI TRAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "JAF" followed by a stylized name. Below the signature, the text "THAI TRAN" is printed in a sans-serif font, with "PRIMARY EXAMINER" printed in a smaller font directly beneath it.